

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 32-54 are presently active. Claims 1-31 have been previously canceled without prejudice, Claims 55-62 have been withdrawn from further consideration as directed to a non-elected invention, and Claims 32 and 44 is amended to clarify the claimed subject matter. No new matter has been added.

In the outstanding Office Action, Claims 44-46 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 32-35, 37-38, 40, 51 and 53 were rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu (US 3,634,735) in view of Willbanks (US 5,144,982). Claim 36 was rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu and further in view of Landa et al. (US 4,536,230). Claim 39 was rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu and further in view of Wyganski (US 6,848,667). Claims 41-43 and 48-49 were rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu and further in view of Garrigus (US 6,180,928). Claims 44-46 and 50 were rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu and further in view of Pawlak (US 5,883,557). Claim 47 was rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu and further in view of Bombia et al. (US 4,763,843). Claim 52 was rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu and further in view of Childers et al. (US 6,813,055).

Firstly, Applicants wish to note that the Office Action Summary states that Claims 32-53 are active and Claims 54-62 are withdrawn, while the Detailed Action at page 2 states that Claims 32-51 are active and Claims 55-62 are withdrawn. In spite of the contradictory descriptions in the Office Action, Applicants note Claims 32-54 are active and Claims 55-62 are withdrawn from further consideration as directed to a non-elected invention, because

Claims 32-54 are directed to the magnetic actuator, while Claims 55-62 are directed to the method for making a magnetic actuator.

Regarding the 35 U.S.C. § 112, second paragraph, rejection of Claims 44-46, Claim 44 has been amended to depend upon Claim 42. Next, Applicants wish to note that Claim 45 does not depend upon Claim 43, but upon Claim 44. Applicants respectfully submit that the claimed subject matter of Claim 44 is not indefinite, because an electric current flowing through a conductor generates a magnetic field. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection has been overcome.

Regarding the rejection of Claims 32-54, Applicants respectfully traverse the outstanding grounds for rejection, because in Applicants' view, independent Claim 32 patentably distinguishes over the applied references as discussed below.

Claim 32 recites, *inter alia*, "the supports each having an abutment area for the mobile part" and "the mobile magnetic part is configured to assume plural stable magnetic positions, and in each of the positions the mobile magnetic part is abutted against a support." Namely, the supports each have an abutment area and the mobile magnetic part is abutted against a support in each of the plural stable magnetic positions.

Instead, as suggested by the Office Action, Komatsu fails to disclose the amagnetic support structure and the abutment area as recited in Claim 32. The Office Action refers to Willbanks to remedy the deficiencies, stating "Willbanks discloses a magnetic actuator (10) having a pair of amagnetic supports (14, 15, 37, 38) placed in different planes delimiting a gap for guiding a magnetic member (26) therebetween." However, when the magnetic armature (26) moves closer to one of the printed circuit board (14, 15), the magnetic armature (26) comes into contact with the top or bottom passage capillary tube (33, 35), not with the printed circuit board (14, 15) or the inner gaskets (37, 38) (Willbanks at column 3, lines 39-48 and Figs. 1-2). Figs. 1-2 of Willbanks show that the capillary tubes (33, 35) penetrate into

the recess (24) and there are gaps between the printed circuit board (14, 15) or the inner gaskets (37, 38) and the passage capillary tube (33, 35). Further, the contact of the magnetic armature (26) with the capillary tubes (33, 35) is aimed at sealing the end of the appropriate outlet passage (32, 34) (Willbanks at column 3, lines 39-48). Therefore, the magnetic armature (26) should not abut against the printed circuit boards (14, 15) because the capillary tubes (33, 35) will not be properly sealed if the printed circuit board (14, 15) and the capillary tube end are not perfectly aligned.

Thus, Willbanks fails to teach or suggest that the printed circuit board (14, 15) and the inner gaskets (37, 38) have abutment areas for the magnetic armature (26). Accordingly, Komatsu and Willbanks fails to disclose “the supports each having an abutment area for the mobile part” and “the mobile magnetic part is configured to assume plural stable magnetic positions, and in each of the positions the mobile magnetic part is abutted against a support” as recited in Claim 32.

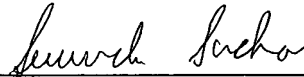
Further, Landa et al., Wynanski, Garrigus, Pawlak and Bombia et al. also fail to disclose “the supports each having an abutment area for the mobile part” and “the mobile magnetic part is configured to assume plural stable magnetic positions, and in each of the positions the mobile magnetic part is abutted against a support” as recited in Claim 32.

Accordingly, independent Claim 32 patentably distinguishes over the applied references. Therefore, independent Claim 32 and the pending Claims 33-54 dependent from Claim 32 are believed to be allowable.

Consequently, in view of the present amendment and in light of the above discussions, it is believed that the outstanding rejection has been overcome, and the application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Surinder Sachar
Registration No. 34,423

Surinder Sachar
Registration No. 34,423

GJM\TY:msh

I:\ATTY\TYAMEND-RESPONSES\265003\265003 AM DUE APRIL 28 2006 (WITH 2 MONTH EXTENSION).DOC